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White
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September 3, 2002

Rita White
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- References:
- 1) Patent Application Number 09673559
 - 2) Your letter to attorneys Watov & Kipnes PC, dated July 17, 2002
 - 3) "Petitions Practice Within the PTO on Patent Matters", December 1, 1997

Dear Ms. White,

As co-inventor and point of contact for the Ref. 1 patent application, I am writing to appeal the Ref. 2 denial of refund of application fee, on grounds of: (a) our ex-attorneys having negligently and incorrectly established our filing status as an ordinary corporation; (b): said attorneys subsequent negligent unresponsiveness to repeated requests from us to rectify the filing status; and (c): Ref. 3.

Watov & Kipnes PC, of Princeton Junction, NJ, represented us for the filing of the Ref. 1 patent application. Said attorneys failed to act on a statement by Turbosat Technology, Inc. of its 2-person, small company status; and incorrectly filed for us with ordinary corporation status.

We identified the error to said attorneys immediately we saw the filing papers. The attorneys agreed to correct their mistake by filing for a refund. Subsequently, we reminded them periodically, particularly regarding the expected refund. Meanwhile, due to their continued lack of attention to our application in more than only this aspect, in April 2002, we cancelled their Power of Attorney (POA) by sending a formal letter to the PTO. That letter also assigned me as the point of contact with the PTO.

Late in July 2002, Watov & Kipnes notified us that your office had denied the request for refund of \$537 on grounds of late filing. Consequently, we plead for your reconsideration, on the following grounds:

1. The applicant for Ref.1 has always had small entity status. There has never been any change in said status.
2. Both the incorrect status filing and the tardy filing for refund were directly due to negligence on the part of our ex-attorneys. We, the inventors, are now handling the application – as evidenced by change in POAs filed in the PTO for Ref. 1.
3. Ref. 3 Section V Para D (title: Timeliness) reads, "Generally, a petition not filed within two months may be dismissed as untimely.", and indicates leeway for discretion.
4. Ref. 3 Section VI Para C (title: Petition Relating to Small Entity Status) is extremely forgiving regarding fees and penalties associated with mistakes in filing status made in the opposite sense, i.e. when small entity status is initially erroneously established.

Your favorable reconsideration of our request for refund would be greatly appreciated.

Sincerely yours,



Paul Kaskiewicz

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